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**CHAPTER AGR 910 CERTIFICATION OF PROCESSORS AND HANDLERS OF
ORGANICALLY PRODUCED PLANT, ANIMAL, FOOD OR FIBER
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PART Agr 910 CERTIFICATION OF PROCESSORS AND HANDLERS OF ORGANICALLY PRODUCED PLANT, ANIMAL, FOOD, OR FIBER COMMODITIES

Statutory Authority: RSA 426:8

Agr 910.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 426:8, for the certification of processors and handlers of agricultural plant, animal, food or fiber commodities when adhering to these production standards.

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.02 Scope. These rules shall apply to any processor or handler of agricultural plant, animal, food, or fiber commodities who is required to participate in this program pursuant to RSA 426:6-b certification.

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.03 Definitions. The following words shall have the meanings indicated when used in this part:

(a) “Commissioner” means the commissioner of agriculture, markets and food of the state of New Hampshire.

(b) “Department” means the New Hampshire department of agriculture, markets and food (NHDAMF).

(c) “Handler” means any person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term does not include final retailers of agricultural products that do not process agricultural products.

(d) “Handling operation” means any facility or portion of a facility except final retailers of agricultural products that do not process agricultural products, that receives or otherwise acquires agricultural products and processes, packages, or stores such products.

(e) “Organic system plan” means a plan of management of an organic production or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this part.

(f) “Processing” means cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

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New. #8038, eff 2-10-04

Agr 910.04 Organic Certification of Processors and Handlers of Agricultural Commodities. The definitions, standards and requirements for organic processors and handlers shall be those established by the United States Department of Agriculture (USDA) in 7 CFR 205, and in accordance with the Organic Foods Production Act, (OFPA) of 1990, as amended, 7 U.S.C. 6501 *et seq.*

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.05 Application and Review for Certification.

(a) Applications for certification of processors and handlers shall serve as the organic production or handling system plan as described in Subpart C--Organic Production and Handling Requirements, 7 CFR 205.

(b) The following shall apply to organizations or individuals who wish to make application for organic processor or handler certification through the NHDAMF:

(1) Each applicant shall complete an organic production or handling system plan in the form of an application provided by the NHDAMF:

(2) Each application shall be submitted to:

NHDAMF Bureau of Markets
PO Box 2042
Concord NH 03302-2042

(3) Each applicant shall pay a certification fee as follows:

a. A \$250.00 fee; and

b. A \$100 fee for each processing or handling facility beyond the first one.

(4) Each applicant for organic processor or handler certification shall pay an inspection fee calculated by the NHDAMF as follows:

a. A rate of \$35 per hour of inspection time, including travel time, by the NHDAMF inspectors; and

b. Travel expenses to and from the applicant's facility at a rate of \$0.375 per mile.

(5) The inspection fee shall be calculated after the inspection visit is completed and subsequent inspection report(s) has been filed with the NHDAMF.

(6) The inspection fee shall be payable within 30 days of the billing date.

(7) Application submission may be at any time of the year.

(c) An applicant for organic processor or handler certification shall submit the following as part of the application:

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- (1) The name of applicant and applicant's business name;
- (2) The address, and if applicable, telephone, fax and email of the applicant;
- (3) A description of type of processing or handling operation;
- (4) A list of all organic processed products;
- (5) A list of non-organic processed products, if applicable;
- (6) A description of all product composition, including all sources of ingredients;
- (7) A product processing flow chart;
- (8) A description of the methods used to prevent commingling of organic and nonorganic products on a split operation;
- (9) A list of the pest control products, and practices used, if applicable;
- (10) A description of the recordkeeping system implemented;
- (11) Copies of any labels to be used for the sale or advertising of organic products;
and
- (12) The applicant's signature.

(d) The NHDAMF shall review all submitted application information, and all inspection reports to determine compliance with Agr 910 and 7 CFR 205. Approval or denial of certification shall be made pursuant to 7 CFR 205.

Source. #7408, eff 11-21-00; rpld and reserved by
#7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.06 Continuation of Certification.

(a) To continue certification, a certified processor or handler shall annually:

- (1) Pay the certification and inspection fees in the amount stated in Agr 910.05; and
- (2) Submit the required information, in the application form, to the NHDAMF as stated in 7 CFR 205.406.

(b) The NHDAMF shall review all submitted application information, and all inspection reports to determine compliance with Agr 910 and 7 CFR 205. Approval or denial of certification shall be made pursuant to 7 CFR 205.

Source. #7408, eff 11-21-00; rpld and reserved by
#7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.07 Use of the USDA Organic Seal and NHDAMF Organic Logo.

(a) A processor or handler certified by the NHDAMF shall use the USDA organic seal, the NHDAMF certified logo, or both, in accordance with Agr 910 and 7 CFR 205.

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(b) Copies of proposed labels and advertisements, which exhibit the USDA organic seal, the NHDAMF certified logo, or both shall be submitted to the NHDAMF to determine compliance with this part.

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

New. #8038, eff 2-10-04

Agr 910.08 Recordkeeping.

(a) A certified processor or handling operation shall maintain records as stated in 7 CFR 205.103.

(b) Certified processors or handling operations that produce both organic and nonorganic agricultural commodities shall maintain the following records:

- (1) Separate production and sale records; and
- (2) Procedures implemented to prevent the commingling and contamination of the organic products from nonorganic products.

(c) Certified processors or handling operations that sell, or otherwise store organic and nonorganic agricultural commodities shall maintain the following:

- (1) Sale records of such products; and
- (2) Records of the sources of such products.

Source. #7408, eff 11-21-00; rpld and reserved by #7838, eff 2-27-03

New. #8038, eff 2-10-04